REMARKS

With this Response, no claims are amended, added, or canceled. Therefore, claims 1-8, 17-20, and 33-38 are pending.

CLAIM REJECTIONS - 35 U.S.C. § 102

Claims 1-8, 17-20, and 33-38 were rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,785,811 of Bihlmeyer et al. (*Bihlmeyer*). Applicants respectfully submit that the Office Action fails to provide a prima facie case of anticipation under MPEP § 2131 for at least the following reasons.

Claim 1 recites the following:

> **associating cryptography information with a data packet** to be used to perform cryptography operations on the data packet;
> storing the cryptography information in memory;
> **generating a pointer to a memory location for the cryptography information**;
> **passing the pointer to the cryptography information from a first system layer to a second system layer**;
> accessing the cryptography information not stored in the second system layer using the pointer;
> performing cryptography operations on the data packet; and
> transmitting the data packet.

Claims 17 and 33 recite similar limitations directed to cryptography information associated with a packet, and generating and passing a pointer to the cryptography information between system layers.

The cited reference fails to support the interpretations asserted in the Office Action. *Bihlmeyer* discusses the use of a common cryptographic library accessible to all applications in a computer system for accessing cryptographic functions. See, e.g., col. 1, lines 24 to 39; col. 2, line 10 to 22; col. 2, lines 51 to 55; col. 5, lines 4 to 20; col. 6, lines 5 to 24. The library allows for various levels of cryptographic functions to be applied to different applications based on an

identification of the application. See col. 6, lines 25 to 45. To pass the identification information from the applications to the library, a void pointer pass parameter is used, which is understood by those of skill in the art as a function call that accepts parameter input and returns a void pointer. See col. 8, lines 46 to 54. The void pointer pass parameter is merely a construct for passing information from one application to another – the resulting void pointer does not contain any information, and is not used by the initiating application. The location of the library in memory is indicated to the applications by "a pointer in a globally accessible memory location," which indicates the location of the cryptographic functions. See col. 2, lines 51 to 55. Thus, the pointer resides in a fixed location in global memory, and **is not** passed from one layer to another. The library stores and executes the cryptographic functionality, and the applications simply pass parameters and receive results from the services of the common library. The common library fails to pass cryptographic information to the applications to be used to perform cryptographic services on data. See col. 7, lines 3 to 24 and 34 to 58.

The Final Office Action at pages 3 to 4 maintains the rejection of the claims under the above-described reference. Applicants respectfully submit that the assertions in the Final Office Action that form the rejection are not supported by the reference, as described above. Three issues set forth in the Final Office Action asserted as supporting the rejection are: 1) whether the cited reference discloses associating cryptographic information with a data packet; 2) whether the reference's mention of an application and a common library discloses different system layers; and 3) whether the discussion in the reference of the use of void pointers discloses passing a pointer from one system layer to cryptographic information not stored in another system layer. Applicants will address each issue in turn.

Regarding associating cryptographic information with a data packet, the cited reference discusses providing cryptographic **functions** or operations to applications, and fails to disclose or suggest associating cryptography **information** with a **data packet** that is used to perform cryptography operations on the data packet. Applicants note that those skilled in the art will appreciate that cryptographic information is not necessarily associated with a data packet. For example, cryptographic information may simply provide the information necessary to provide the cryptographic functions available in the common library of the cited reference. Cryptographic information could be associated with a data packet, with a port, with a stream, or some other thing. *Bihlmeyer* at col. 7, lines 15 to 24 states:

> The cryptographic levels authorized for the application in, for example, **establishing a secure connection** with another data processing system over a network. Again, if the cryptographic library provides SSL functions, then the application 10 may identify those cryptographic levels for which it is authorized and the cryptographic library 20 may utilize those cryptographic levels in **negotiating an SSL connection** over a network.

Emphasis added. Thus, the reference appears to at most associate a level of cryptographic services with a particular connection, which fails to disclose associating cryptographic information with a **data packet**. Furthermore, the passing reference at col. 5, lines 29 to 32 regarding transferring information to another system over a network fails to support an interpretation that cryptographic information is associated with a data packet. Therefore, the assertion at page 3 of the Final Office Action regarding this issue is not supported by the reference. Applicants maintain that the reference fails to disclose or suggest associating cryptography information with a data packet as recited in the independent claims. For at least this reason the Final Office Action fails to carry its burden to show in the cited reference each and every element of the claimed invention, and so fails to establish a prima facie case of anticipation of the independent claims under MPEP § 2131.

Regarding the different system layers, Applicants note that the Final Office Action at pages 3 to 4 states that it is interpreting the claim term "system layer" in its "broadest meaning." Whether or not in some hypothetical system the term "system layer" could be interpreted as including an "application layer" and a "library layer," as asserted by the Final Office Action, which Applicants do not concede, the interpretation is not supported by the standards for examination, nor by the cited reference. MPEP § 2111 states:

> **CLAIMS MUST BE GIVEN THEIR BROADEST REASONABLE INTERPRETATION**
>
> During patent examination, the pending claims must be "given their **broadest reasonable interpretation** consistent with the specification." *In re Hyatt*, 211 F.3d 1367, 1372, 54 USPQ2d 1664, 1667 (Fed. Cir. 2000) ....
>
> The broadest reasonable interpretation of the claims must also be **consistent with the interpretation that those skilled in the art would reach**. *In re Cortright*, 165 F.3d 1353, 1359, 49 USPQ2d 1464, 1468 (Fed. Cir. 1999) ....

Emphasis added. Thus, the proper standard for claim interpretation in examination is to give claim terms "their broadest reasonable interpretation consistent with the specification" and "with the interpretation that those skilled in the art would reach," and not their "broadest meaning." Applicants note that **if** such a system exists where an application and a common library are considered to be different system layers, Applicants are not aware of such a system, and the Final Office Action has failed to point to such a system. Specifically, the Final Office Action fails to point to what in *Bihlmeyer* or any other reference is purported to disclose support for the naked assertion that an application and a library could be considered to be different system layers. *Bihlmeyer* fails to mention or suggest, or otherwise support an interpretation that its applications and common library are different system layers. For at least this reason the Final Office Action fails to carry its burden to show in the cited reference each and every element of the claimed invention, and so fails to establish a prima facie case of anticipation of the independent claims under MPEP § 2131.

Regarding the issue of the use of void pointers, Applicants note that the Final Office Action at page 3 asserts that *Bilhmeyer* discloses the passing of "data" between the library and the application. Applicants further note that the reference itself at col. 7, lines 34 to 58 states, in part:

> [T]he **parameters of the query** and the identification may be defined as having void pointer data type. Such a data S type does not provide information on how the data if formatted. Thus, **the parameters may be passed as void pointers** and the application 10 and the cryptographic library 20 may format the data using the predefined formats.

Emphasis added. Applicants note that according to this section of the reference (and see also, col. 7, lines 3 to 24; col. 8, lines 42 to 54) that the parameters of the function call are passed as void pointers. Thus, Applicants understand the reference as discussing that the data on which to perform cryptographic services and the resulting response are to be passed as void pointers. The reference discusses passing the data as void pointers, and **not** the passing of pointers to the cryptography information to be used to operate on the data. In contrast, the claimed invention recites passing a pointer to cryptography information to be used to perform cryptography operations on the data packet from one system layer to another. Thus, whether or not the interpretation of "system layers" to include an application and a library could exist in some hypothetical reference, Applicants submit that such an interpretation is not supported by *Bihlmeyer*, and such an interpretation is not reasonable in light of the plain language of the claim and the understanding of those skilled in the art. Furthermore, even assuming the application and the library are different layers, which Applicants maintain is an improper interpretation of the reference, the reference fails to disclose or suggest passing between system layers a pointer to cryptography information to be used to perform cryptography operations on a data packet, as recited in the claims. For at least this reason the Final Office Action fails to carry its burden to

show in the cited reference each and every element of the claimed invention, and so fails to establish a prima facie case of anticipation of the independent claims under MPEP § 2131.

The remaining claims depend from the independent claims, and thus necessarily include all the limitations of their respective base claims. Because the reference fails to disclose or suggest at least one element of the independent claims, *Bihlmeyer* likewise fails to disclose or suggest at least the same element of the dependent claims. The dependent claims are therefore patentable over the cited reference for at least the reasons set forth above with respect to the independent claims.

CONCLUSION

For at least the foregoing reasons, Applicants submit that the rejections have been overcome, placing all claims in condition for allowance. Such action is earnestly solicited. The Examiner is respectfully requested to contact the undersigned by telephone if such contact would further the examination of the present application.

Please charge any shortages and credit any overcharges to our Deposit Account number 02-2666.

Respectfully submitted,
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